G. R. S. IX-5]

Previous references.

File No. 41-20

1920.

Serial Nos 1-6

(do.)

Later references.

do 244-22 (1-5)
: 496-4-1
66 19-25, 4875
66 8-30, 4.5.7912
66 8-30, 5375
" 160-31-142

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Six.

Part B for October 1921

SUBJECT.

Exercise of preventive powers by the Ex-Officio Assistant Commissioner Magistrates.

Sl 6) To the D/G of Police, the D.C. Ingra
the D.C. Bldy, the D.C. Kaira
the D.C. Surat.
the Registrar, Chief Court
the D. Magts. & other Dists

No. J. 1156-75 dt 27.8.21

Issues orders in above matter.

WD 1888—GPB—16,926—23-7-21

G. R. S. III—1] 1920

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 41-20

FILE HEADING.

Overlapping of Magesterial powers under the Scheme of Separation of the Judicial & Executive functions

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

F. R. S: III-2)

General and Revenue Secretariat.

Ch. File No. 41 of 1910.

Serial No.

Extract from Subject no 14 "Divesting Amildars of Police powers" -

2065
to 21
Ch
41-20

(1) Column 4 in the abstract of discussions at the meeting of Deputy Commissioners, &c:

"Under the rules, the separation of the Judicial & Executive functions is not complete. The Amildars & the sub-division Officers are still enjoying quasi-Criminal Powers. The powers overlap with those of the special Magistrates. This matter should be examined."

2) Note in Pol. 133-15. "There is no information in this office as to the extent of the overlapping as worked in practice, & the difficulties, if any, experienced by such overlapping. If approved, the District Magistrate or the Chief Court will be addressed in the matter, by taking extracts & opening a separate file in the Courts Section"

A

3) Asst Secretary's order thereon:-

"& action may be also taken as at A."

(Ind) PM 30/7

4) Submitted with a draft to the Registrar, Chief Court, accordingly

7) Draft letter issued for above

Dec. 12/8

Chief Secy

5) Please forward copy of the abstract for our use during the meeting

7/8

A copy of the abstract is forwarded

9) NOTE—Contn. sheet.

(10) Secretary's receiving slip in person

12/8

separate file opened

Pol. Dept.

acknowledgment received

G. R. S. III-2)

(3)

General and Revenue Secretariat. | Ch File No. 41 of 1920.

Serial No.

(1). The quarterly statistics of work done in the Magistrate' Courts do not contain information as to the number of cases dealt with under the preventive sections of the Code of Criminal Procedure.

A. (2) Para 5 of G.O. no 4530-4600 - Judl 312-12-1 dt 10.5.18 regarding the introduction of the separation scheme is as follows—

"Asst Cons, Amildars and deputy Amildars"
"will continue the magistrate, ex-officio; but"
"they will cease to exercise magisterial functions"
"in practice except such as are really"
"executive in their nature, as for instance"
"those referred to in chapters VIII, IX, X, XI and"
"XII of the Criminal Procedure Code."

(3) There is nothing in the said G.O to show that the special magistrate, under the scheme should not exercise the powers referred to. Reference is also invited in this connection to para 8 (5) of the B. S.P. Rajagopalachari's note dt 4.9.18 and para 11 of G.O. no. G 2778-805 C — Judl 157-18-2 dt 12.6.1919.

(4) It will thus be clear that under the foregoing orders overlapping between the special Ex-officio magistrate in regard to the exercise of exe. powers of

NOTE—Contn. sheet.

[G. R. S. III-2]

General and Revenue Secretariat. | File No. 41 of 1920

Serial No.

an executive nature is inevitable.

15) With a view to ascertain the extent of the overlapping, a revised draft is submitted for consideration.

16) Submitted for approval
Chief Secy
19

17) Issue
Chief Secy
7/9

To

The District Magistrates of Bangalore, Shimoga, Kadur & Mysore.

No. G. 5715-18 dt 11-9-20.

Invites reference to Col 14, of the abstract of discussion relating to the subject no. 14 considered at the meeting of the H.C.S. and the Select Heads of Depts held on March 20 re: the overlapping of magisterial powers under the seperation Scheme & requests to state if that is the fact to furnish ~~statement~~ figures to show the extent of overlapping with their proposals if any to improve matters.

From,

The District Magistrate, Bangalore.

J.C. 460 dt 28.9.20 recd. on 2-10-20.

States that some of the Cases falling under Sections VIII to XII of the Criminal Procedure Code were

NOTE—Contn. sheet.

7537

G. R. S. III-21

General and Revenue Secretariat.

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Serial No.

re-transferred to the files of the Ex-officio Asst Commissioner Magistrates on the request of Special Magistrates to whom all the cases were referred as soon as the Separation Scheme was given effect to and Suggests that in future it would be convenient both for the parties & the Spl. Magistrates to refer all such cases exclusively to the Asst Commr. Magistrates instead of vaguely allowing both the classes of Magistrates to have jurisdiction to try them. It is also submitted for orders to allow a Judicial Clerk on Rs 30/- a month to each of the Asst Commr. Magistrates to assist him in the Criminal work.

18) A statement showing the figures of cases disposed of & pending in Several Magistrates' Courts of the District falling under Chapters VIII to XII is also attached. Replies from Other District Magistrates will be awaited Subject.

2-10-20

19) Please see Revenue D. 14. 10/10

Subject with a draft reminder

14/10/20

21) Done D. 21/10

288 red No. G. 8501-3 Dt. 30-10-20.

NOTE—Contn. sheet.

9585 (6

H. R. S. III-21

General and Revenue Secretariat. | Ch File No. 41 of 1920.

Serial No.

5 From,

The District Magistrate, Mysore District
No. Dy Dis. 242/J 20-21 dt 2-11-20 recd on 5-11-20
states that there has been no instance of the kind
referred to and suggests that in future arrangements may
be made for the trial of Cases falling under Chapters
VIII to XII of the Criminal Procedure Code,
exclusively by the Asst Commrs & Assistant
Magistrates with a view to give relief to the
Special Magistrates.

2v) Replies from the Dt. Magistrates of Shimoga &
Kadur will be awaited.

Subd.

6.11.20.
6/11

2) Please send fresh Reminder
D 4.
8/11

Bfor
8/11

2) Submitted with a draft reminder.

BS
8/11

2) Issued
D 4.
9/11

Issued No. G. 10229-30 dt 24-11-20.
from the Dt. Magistrate, Shimoga
No. Jc. 283 Genl 20-21 dt 3-12-20.
States that information as per enclosed Statement
of magisterial functions will be furnished after replies to Rs. 2 are

Destroyed.

PROTECTIVE ... 1920 ... for reference only

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Ch File No. 41 of 1920.

Serial No.

were received from subordinate officers.

26) Submitted for perusal:
EBS
9/12/20.

27) Remr in 20 days
D. M.
9/12

28) Submitted with draft reminders.
EBS
20/12.

29) Issue
D. M.
21/12

Issued No. G. 12262-3 dy 23-12-20.

4 From the Dl. Magistrate, Kadur No. D2 Dis 48/20-21 D 22nd Dec 20. Furnishes a report on the overlapping of magisterial functions and makes certain proposals for improving matters.

From the Dl. Magistrate, Shimoga No. J C 283/20-21 D 31st Dec 20 States that the report on the overlapping of magisterial functions will be sent by the 10th Jan 1921.

30) Called for perusal. After the report from Shimoga will be awaited.

NOTE—Contn. sheet

EBS
6/1/21

31) I think it has been used also. D. M.
12/1

As interim reply dotropped.

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 41 of 1920

Serial No.

5 From the D.C. Magistrate, Shimoga No D2 Dis 203 J/20-21 D 12-2-21 States that there is no over-lapping of magisterial functions in his Dt. and that such over-all functions of purely executive nature should be assigned to the ex officio magistrates.

N) Tabled. Replies from all the four Dt. magistrates in whose districts the separation scheme has been introduced, have been received. The Dt. Magistrates of Mysore and Shimoga in saying saying that there is no overlapping of Criminal work in their Dts. The D.C. Mysore, however, suggests that it would be better if powers of an executive nature under Chapters XIII to XV of the Code are exercised by the ex officio magistrates as such an arrangement would give relief to the Special magistrates. The Dt. magistrates of Bangalore and Kadur say

NOTE—Contn. sheet.

G. R. S. III-2]

17455

General and Revenue Secretariat. | File No. 41 of 1920.

Serial No.

that there is a certain amount of overlapping in their DCs and the statement forwarded by them show that the Special Magistrates are more often resorted to with reference to cases of an executive nature than the ex officio magistrates. To avoid this, they also suggest the same arrangement as that suggested by the DC. Magistrates Cp. Mysore. Submitted for orders.

33) This should be discontinued D.M.

V 38
22/2/21 34) Mysore. Make up as suitable 4056 orders now to avoid overlapping of functions as proposed.

D.M.
5/3

5 893

35) Submitted with a draft for approval

V 38
24/3/21 36) Reference is invited to the proposals contained in para 4 of the Madras DC Magistrates letter.

Ap 2074 37) Mysore. Make up a typed draft.

D.M.
6/3

6b 16/5

38) Submitted with a typed draft

S. 21 868

20

NOTE.—Contn. sheet.

17485

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 41 of 19 2021

Serial No.

39) The question of the overlapping of magisterial functions under the Separation scheme has been worked out & the opinions of the Dt. Masters have been received

40) Submitted to Hble G.-G. for Consideration

D.M. 21/5.

Revised 23.5.21
2nd Member

D.M. 25/5.

6685
25/5/21

41) Pray why should not the ~~Deputy~~ Magistrates hereafter such cases from the file of the Special Magistrates Court & the Chief Magistrates?

Hble
26/5

Submitted

42) The Dt. Masters can do it provided they take the trouble to examine the files. The general impression is that sufficient attention is not given by the Dt. Masters to this question since the Dt. Masters have been consulted the G.-G. may perhaps issue an the object is to give relief to the Special Masters so that they can devote their entire attention to

(41) This necessitates re-action in each individual case by the Dt. Masters. An order of the kind proposed will be of general application & may prove to be more convenient

NOTE---Contn. sheet.

Revised 26.5.21
2nd Member

(42) I am not in favour of [illegible] Special Magistrates [illegible]

D.M. 26/5.

6982
27.5.21

G. R. S. III-2]

7165

General and Revenue Secretariat. | G/S File No. 41 of 1920

Serial No.

A circular may issue directing Magistrates that such cases should be brought to the notice of the Special Magistrate there and the Asst Commr Magistrate & that instructions should be sent to the Police to file complaints there against in such cases before the Asst Commr Magistrate only.

Sd/-
29/5

G/S

45) Draft D. M. 3/6

46) Submitted with a draft for approval

7/6/21 Revised Sd/- 15.6.21. D. M. 11/6
11/6 2nd Member -

7215 16.6.21. D. M. 16/6

47) Please send all the questions & the legality of the order appointing Sub Asst Commrs in charge sub divisions as Spl Magistrates which has been raised in another file & submitted.

Sd/-
25/6

D. M. 28/6

NOTE.—Contn. sheet.

17485

G. R. S. III-2]

General and Revenue Secretariat. | C/5 File No. 41 of 1921

Serial No.

45) Subd with reference to para 47 above

46) orders have since been passed investing Mr. S. Abdul Wajid with certain additional powers where the question of appointing Assistant Commissioners as Ex-officio magistrates. May the draft Circular in the file issue?

47) Submitted for orders

D. M. 19/8

48) 20/8/21 2nd Member

49) Yes

21/8

D. M. 22/8

50) Sec. S. P. & Police

Sec. to Magistrates of Bangalore, Mysore, Kolar and Shimoga Dists

Copy to the Resident

Copy to the other Dist. Magistrates

No. 1156-75 dt. 24.8.1921.

Direct that the above cases should be transferred from the file of the Special Magistrates to that of the Ex-officio Asst. Commrs. of Magistrates who are entrusted to exercise magisterial functions which are executive in their nature.

1301 19.8.21

Circular in the receipt of convicted cases

7

Note.—Contn. sheet.

ABSTRACT OF DISCUSSIONS AT THE MEETING OF DEPUTY COMMISSIONERS AND SELECT HEADS OF DEPARTMENTS, HELD IN MARCH 1920.

ABSTRACT OF DISCUSSIONS AT THE MEETING OF DEPUTY COMMISSIONERS AND SELECT HEADS OF DEPARTMENTS, HELD IN MARCH 1920.

Serial No.	Subject	Points discussed	Brief abstract of discussions	Decision arrived at, if any, or action proposed to be taken	Branch or officer responsible	Remarks
I.	Minor Tank Restoration Scheme and revision of the Maramat Establishment.	Approving of the draft Government order laying down revised rules for levy of contribution.	The option given to the raiyats to do earthwork in lieu of $\frac{1}{3}$ contribution may be omitted from the draft order and the contribution made compulsorily leviable by legislation after a defined programme of work is drawn up in each district. The contribution may be treated as a Revenue Demand and D. C. B. statements maintained of these contributions. The programme may be drawn up by the Deputy Commissioners in consultation with the people and duly notified in the Gazette and objections, if any, against restoration may be invited within a fixed period.	The contribution leviable may be reduced from $\frac{1}{3}$ to $\frac{1}{4}$ on the total estimate without the option of doing the earthwork in lieu of the $\frac{1}{4}$ contribution. The draft Government Order as modified may be issued.	Revenue Secretary and Branch I Revenue Secretariat.	
1 (*a*)	Accepting the technical security of the Maramat Engineer in all District Boards and Municipal works up to Rs. 1,000 or 1,200.		Pending the issue of orders on the Maramat Establishment re-organization scheme this change in the rule may be sanctioned.	The rule may be modified and the power to scrutinize estimates up to Rs. 1,000 given.	Do	
1 (*b*)	Centralised Maramat Establishment under the Deputy Commissioners.	(1) The appointment of a Senior Assistant Engineer as District Maramat Engineer. (2) Appointment of a Sub-Overseer for each taluk in place of the Tank Inspector. (3) The appointment of an Overseer under the Maramat Engineer.	The Chief Engineer explained his scheme regarding the re-organisation of the Public Works Department on a quasi-state basis, the cost being debited to the State, Local Fund and other special grants. (*Vide* Subject XVI)	The Chief Engineer to draw up a note in light of the discussion as the Dy. Comr. were all in favor of a separate agency for all works carried out by the Revenue Department and the Local Boards. The opinion of the Dy. Comr. to be called for after receipt of the note.	Chief Engineer.	

Abstract of discussions at the meeting of Deputy Commissioners, etc.—*contd.*

Serial No.	Subject	Points discussed	Brief abstract of discussions	Decision arrived at, if any, or action proposed to be taken	Branch or Officer responsible	Remarks
II.	The statement of half-yearly progress reports to be revised so as to show the total progress under all sub-heads such as District Fund works entrusted to the Maramat Department, repairs to Civil buildings, repairs to tanks, etc.	.....	*Vide* I (*b*) above	.....	.....	
III.	Special Committee's report on revision of wet assessment.	i. Akarband to be discussed in the Representative Assembly.	The question of discussing the Akarband in the Representative Assembly meeting is impracticable.	.....	.....	
		ii. Settlement of a Tari Atchkat according to registers prepared by the Special Officers of the Public Works Department.	The present arrangement is the most suitable and the proposal is impracticable.			
		iii. Revision of the tank registers once in ten years.				
		iv. Addition of a Mathematical table of remission to the L. R. Code as in Madras and Bombay.		The Bombay Rules may be adopted and an order issued on those lines.	Revenue Secretary and Branch I of the Revenue Secretariat.	
		v. Grant of remissions to those who suffer from deficiency of crops as in Madras.				
		vi. Grant of powers of remission to local officers.				

		vii. Banjar remission should be extended to raiyats in Mysore as in Madras, Bombay and the Punjab. viii. The Director of Agriculture to be made Land Revenue Record Officer.			
IV.	What measures should be adopted to expedite the formulation of settlement proposals.	13 statements are required for formulating proposals including the "Salwar Vasuli." Remissions due to bad seasons are noted in the khirdi after they are sanctioned. The compilation of salwar vasuli is laborious and the Head Gumasta cannot cope up with this work. Some special help must be given to him.	The present method is obselete and the taluks may be asked to send a copy of the accounts every year to the Survey Superintendent who may compile his own accounts.	Assistance may, when absolutely necessary, be given by appointing additional hands. The Survey Superintendent should, however, be satisfied with as many years' accounts as the Dy. Comrs. can furnish.	Do
V.	Miras to Totis and Talaries	1. The Committee are of opinion that such remuneration should be a charge on the land revenue. 2. The rate now fixed is too high and must be reduced. 3. If Government deem such levy necessary, a cess may be collected equal to the raiyats' share of contribution.	The remuneration now paid is unfair and as these village officers are necessary, the rules may be modified. The Revenue officers may recommend lands wherever available as Inams to these village officers.	The rules may be modified by ordering a levy equivalent to 2 annas in the rupee on dry, and one anna on wet and garden assessment. The Inams held must be made inalienable and impartible. The extent of land to be given as Inam should not exceed 10 acres if dry 3 or 5 acres if wet, in addition to the Miras. The Representative Assembly Members may be consulted with regard to the levy of a cess.	Chief Secretary and Revenue Secretary.
VI.	Conservancy of avenue trees.	1. Should the present arrangement continue? 2. What special establishment should be sanctioned for this purpose.	Fruit trees may be encouraged to be planted and the Local Boards may sanction grants to Village Panchayets for undertaking the care of these avenue trees.	The matter may be discussed by the District Boards with regard to Local Fund roads and the Chief Engineer with regard to Provincial roads.	Revenue Secretary and Branch III of the Revenue Secretariat and Chief Engineer.

Abstract of discussions at the meeting of Deputy Commissioners, etc.—*contd.*

Serial No.	Subject	Points discussed	Brief abstract of discussions	Decision arrived at, if any, or action proposed to be taken	Branch or Officer responsible	Remarks
		3. Whether the work can be handed over to the V. I. Committee and the Local Board and, if so, under what conditions.				
7	Revision of the form of the Progress Report of Village Improvement Works.	A few more headings to be introduced to make the form complete.	An amount may be set apart out of the V. I. Funds for the maintenance of the V. I. roads. As about Rs. 25 are enough to maintain one mile of road Government may be pleased to sanction half of this amount as contribution from the V. I. Funds.	An order may be issued to this effect. Government may contribute an amount equal to the amount collected by the Village Panchayet by means of a cess within its area.	Revenue Secretary and Branch III of the Revenue Secretariat.	
8	Construction and maintenance of Saguvali kattes.	1. Prevention of the indiscriminate putting up of kattes across feeder channels.	.....	.....	..	
			.....	...	..	
		2. A record of the existing saguvali kattes to be prepared and each landholder called upon to register his katte, failing which the katte to be presumed as being unauthorisedly constructed.				
		3. Permission to put up new kattes to be refused, unless the lower riparian owners consent to such obstruction.	The objection is to the putting up of new kattes across defined channels. The raiyat should not be permitted to raise the height of the bund and a register must be maintained noting the height of the existing kattes.	The draft G. O. to be reconsidered with reference to the points noted in the previous column.	Revenue Secretary and Branch I of the Revenue Secretariat.	
9	Measures necessary to ensure greater promptitude in revenue collection and disposal of business.	.....	More powers may be given to the Revenue officers to distrain moveable properties as in Bombay.	This is not necessary. The existing rules are sufficient.		

			There is a great delay in the disposal of papers and to fill up temporary vacancies hands will not often be available. A reserve of 10 per cent of the permanent establishment may be sanctioned to fill up temporary vacancies	The Amildars and the Sub-Division Officers are divested of their magisterial powers and they must see to the disposal of these papers by inspecting their own offices. Much depends upon the Deputy Commissioners and the instructions given by them.	Do
10	Reconstitution and reduction of Sub-Divisions.	Reducing the number of Sub-Divisions from 23 to 18.	The proposals of the Revenue Commissioner generally agreed to by the Deputy Commissioners.	The proposals of the Revenue Commissioner to be scrutinized and approved.	Do
11	Progress Reports of Drinking Water Wells.	The progress being very slow, the question is, how to effect greater progress in this direction.	Rates fluctuate and it is very difficult to secure contractors unless higher rates are offered. The sides of wells collapse and great difficulty is felt in baling out water. Musto's plants are costly and the boring plants have not worked satisfactorily. If a District Engineer is sanctioned with the necessary staff under him, greater progress can be made. Some money may be usefully spent on experimental measures. A moving gang of woddars with a Mestri may be appointed and work carried out amani.	A sum of Rs. 5,000 may be placed at the disposal of each Deputy Commissioner for experimental purposes according to local necessity so as to decide upon some means of successfully sinking wells in the different localities.	Revenue Secretary and Branch III of the Revenue Secretariat.
12	Periodical subventions from Government to District Boards for the maintenance of the District Fund road.	.....	(*Vide* Subject No. XVI below.)	.....	
13	(*a*) Relieving the Sanitary Inspectors of all but their legitimate sanitary work.	.....	The work of the Sanitary Inspectors is not properly checked and so they must be made subordinates to the District Sanitary Officer of the District. The training given to the Sanitary Inspectors must be more practicable and must include a course of six months training under a Sanitary Officer or Sanitary Inspector in the mofussil.	This is not necessary. The draft rules proposed by the Sanitary Commissioner regarding the work, etc., of these officials, may be circulated among the Deputy Commissioners and their opinions called for.	Chief Secretary and Protection Branch.

Abstract of discussions at the meeting of Deputy Commissioners, etc.—*contd.*

Serial No.	Subject	Points discussed	Brief abstract of discussions	Decision arrived at, if any, or action proposed to be taken	Branch or Officer responsible	Remarks
	(*b*) Placing Sanitary Inspectors and Deputy Inspectors of Vaccination under the control of Sanitary Officer.	.....	*Vide* (*a*) above.			
14	Divesting Amildars of Police powers.	.....	Amildars, as long as they continued to be Magistrates, knew criminal law and procedure. Being divested of these powers, they cannot be in a position to direct investigations properly. High paid Inspectors must be employed. The Amildars' interference is more and more proving to be detrimental to Police work. They must be divested of Police duties and powers. Per contra, the supervision of the Amildar, who is the administrative Head of the Taluk, over the work of the Police is desirable. It acts as a wholesome check and the moral influence of the Amildar's supervision cannot be ignored.	Under the rules, the separation of the judicial and executive functions is not complete. The Amildars and the Sub-Division Officers are still enjoying quasi-criminal powers. The powers overlap with those of the Special Magistrates. This matter should be examined. The general opinion that Amildars must continue to exercise Police powers, as at present, is accepted.	Chief Secretary and Protection Branch	
15	Making a separate cadre of Police Superintendents and giving them a local allowance of Rs. 50.		Officers drawing Rs. 350 and upwards are often transferred to the Revenue Department and officers in the Department do not wish to stay long. An inducement must be offered in the shape of a local allowance to these Police Superintendents.	This may be taken up in considering the re-organisation scheme.	Do	
16	Re-organization of the Public Works Department.		Duties of the Public Works Department should be limited to works required for provincial roads, major tanks, construction of buildings costing Rs. 5,000 and upwards, the rest being transferred to the District Boards. The Government must pay 17½% on the cost of Government works done by the District Boards agency.	As the Deputy Commissioners want a separate agency, the Chief Engineer may draw up a note. The opinions of the Deputy Commissioners may be called for thereon.	Secretary, Public Works Department	

17	Repairs to Civil Buildings.	.....	The accumulated neglect is so great that certain buildings cannot be repaired with the year's grant calculated at 1½% on the outlay.	The recent rules may be tried for one year and if the amount sanctioned for a building is not sufficient, it may be allowed to be spent on another building at the discretion of the Deputy Commissioner.	Do
18	Annual repairs and maintenance to buildings.				
19	Revision of schedule rates.	.....	The rates may be changed every three years.	The Chief Engineer may send a quarterly or halfy-early abstract of rates to the Deputy Commissioners and they may be permitted to fix their own rates.	Do
20	Organization and recruitment of labour.	.....	.....	This question cannot be taken up during the present unsettled conditions of labour, etc.	Do
21	Repairs to travellers' bungalows to be carried out under the supervision of the Maramat Engineer.		This is being done but the grant offered is low.	The Chief Engineer may increase the grant, if it is considered necessary to do so.	Chief Engineer
22	Revision of the type plan of the combined office of the Sub-Registrars and Excise Officers.		Two rooms in excess are necessary over the accommodation provided in the plan.	This may be provided.	Do
23	Improvement of the moral and material condition of the depressed classes.		As there are about a lakh of Panchama families in the State a portion of the Amrut Mahal kavals surrendered to the Revenue Department may be reserved for them. The land so given may be made inalienable and money advanced to these people to purchase cattle through co-operative societies. A census agency may be created to find out the number of families and the lands available. To facilitate work, a certain extent of the surrendered kavals may be reserved and a *special agency* appointed to work out the scheme.	Fifty per cent of the lands surrendered may be reserved. The question of appointing a *special agency* for working out the general scheme may be considered.	Secretary, Education and Agriculture.

Abstract of discussions at the meeting of Deputy Commissioners, etc.—*contd.*

Serial No.	Subject	Points discussed	Brief abstract of discussions	Decision arrived at, if any, or action proposed to be taken	Branch or Officer responsible	Remarks.
24	Transfer of primary education to local bodies.	.. ...	The District Boards and the Education Board are not in favour of this transfer. A District Education Committee, which should *not* be a sub-committee of the District Board, may be appointed on the lines of the Education Council in Canada, having two representatives from the District Board and representatives from taluks. This Committee will frame its budget, appoint teachers, recognise new schools, and transfer and dismiss teachers appointed by it.	The District Education Committee may be a sub-committee of the District Board. Government will also nominate members to it and where the Committee and the District Board do not agree, Government will decide the question at issue.	Secretary, Education and Agriculture	
25	Considering the work of the various agencies for development of economic work.	1. Should the allotment for the economic work be provided in the budget of the Economic Conference. 2. Or whether a lumpsum grant should be provided as grant-in-aid in the District Board budget. 3. Should the present establishment be continued or reduced. 4. Continuance or otherwise of the District Economic Superintendents.	The grant may be paid to the Boards who will maintain separate accounts.	Thfs may be done. As regards establishment two clerks are sufficient and the number may be reduced from 4 to 2.	Do	
26	.....	.....	The District Economic Superintendent must be of the status of an Assistant Commissioner and must be paid by Government.	Noted.	Do	

27	Agricultural and Industrial Co-operation.	.....	More Inspectors are necessary and as the pay offered is low suitable men for the posts are not available.	Noted	Do
28	Empowering Deputy Commissioners to sanction estimates for repairs of Muzrai Institutions up to Rs. 250.	.....	The Deputy Commissioners have powers to sanction estimates up to Rs. 1,000 and 500 in connection with Maramat and District Fund works. The limit of Rs. 50 with regard to Muzrai works is low.	To be considered ..	Muzrai Secretary
29	Power to pass excess expenditure up to a limit of Rs. 25.	.....	As the scale fixed cannot always be adhered to, this power may be granted.	In the case of minor institutions the Muzrai Superintendent is competent to sanction the excess. In the case of major institutions, the scale ought not to be changed without sanction of Government.	
30	Lease of temple lands.	.....	Government have ordered that no lease should extend beyond a period of five years and this works as a great hardship in the case of lessees of garden lands.	The Deputy Commissioners are given discretionary powers to extend the period of the lease. They may grant leases for 10 to 15 years at their discretion, if they are in the interest of the institutions	Do
31	Recognizing the status of the Amildar as Taluk Muzrai Officer and delegation to him of definite powers of disposal.	.....	Before the regulation, the Amildar was a Muzrai Officer and under the present regulation his position is not defined.	An amendment will be introduced in the new bill making the Amildar a Muzrai Officer.	Do

WD 2581—GPB—200—22-5-20

No G 5715-18 dt 11.9.20.
Ch 41-20-1

(1.3

To

The District Magistrate of
Bangalore, Shimoga
Kupar and Kadur DS

Sir

I am directed to invite reference to Col. 4 of the Abstract of Decisions relating to subject no 14 considered at the meeting of the Dy Com's and select Heads of Depts held in March 1920 and to state as follows in regard to the overlapping of magisterial functions between the special and the Ex officio magistrates under the separation scheme:-

Under para 5 of G.O. no J 4550-4600 dt 10-5-18 regarding the introduction of the separation scheme Asst Com's, Amildars and Dy Com's are made ex-officio magistrates exercising powers which are executive in their nature such as for instance those referred to in Chapters VIII to XII of the Criminal Procedure Code. As the Special Magistrate appointed under

11.9.20
Signed by Mr P. H.

2085

the Scheme are not however debarred from exercising these powers, a certain amount of overlapping between the two class of magistrates is no doubt ~~unavoidable~~ inevitable. But the intention ~~of~~ is that the ~~ex officio~~ magistrate should exercise these powers wherever possible. so that the minimum quantity of such work may be thrown on the special magistrates. Govt have reason to think that the courts of the latter are more largely resorted to in such matters ~~cases~~ much to the prejudice of the trial of cases therein

I am accordingly to request you will be so good as to state if this is a fact and also furnish figures to shew the extent of the overlapping, with your proposals, if any to improve matters.

A very early reply is requested

I have
the
Chief Secy to Govt.

P. W. 5/9

A.G. 1/9

(15 75-37

20. 4

Ch

41-20

Office of the District Magistrate,
Bangalore District.

No. J.C. 460 Encl. 1. Dated BANGALORE, 28th September 1920.

Ch Secy all

17994

From

H. A. Narayanayangar, Esquire, B.A., B.L.,
District Magistrate, Bangalore District.

CHIEF'S SECRETARIAT
PROTECTION BRANCH
2 OCT 1920

To

C. S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore, B A N G A L O R E.

Sir,

With reference to your letter No.G.5715-8/Cts.41-20-1 requesting to be informed if the Special Magistrates are more largely resorted to with regard to the cases falling under Sections VIII to XII of the Criminal Procedure Code than the Assistant Commissioner and the Amildar Magistrates and also to furnish figures to show the extent of overlapping with my proposals if any, I have the honour to state that when the separation scheme was introduced, all the cases were withdrawn from the file of the Assistant Commissioner and Amildar Magistrates and transferred to the Special Magistrates and City Magistrate, Bangalore. Subsequently the Special First Class Magistrate and City Magistrate, Bangalore, having requested for a transfer of some cases falling under the above chapters from their file to the file of the Assistant Commissioner Magistrates in charge of the Dodballapur and Closepet Sub Divisions on the

strength of para 5 of Government Order No.J.4550-4600/Cts.312-12-1 dated 10th May 1918; a few cases were accordingly transferred to them. Further a recommendation was also made to the Registrar of the Chief Court in this office letter No.J.C.1355 dated 23rd March 1920 to invest them with powers to act under Section 110 Criminal Procedure Code for the speedy disposal of such cases. These Assistant Commissioner Magistrateswere accordingly invested with powers under Section 110 Criminal Procedure Code by Government in their Notification No.G.23930/Cts.4-19-4 dated 19th April 1920. The cases under this Section and other chapters are being instituted Suo motu in these two Courts, but however it will be seen from the enclosed statement that the Special 1st Class Magistrate and the City Magistrate are more largely resorted to than the Assistant Commissioner Magistrates. I suggest therefore that all the cases under Chapters VIII to XII of the Criminal Procedure Code arising within the jurisdiction of the Sub Divisions may be allowed to be entertained in the Courts of the Ex-officio Assistant Commissioner Magistrates alone in the interest of convenience to the parties and in order to give some relief to the Special Magistrates.

The Assistant Commissioner Magistrateshave been complaining that their judicial work recuires the services of an additional clerk both for the disposal of their old Criminal records and the keeping of their criminal registers and correspondence. There is some force in this complaint and the sanction of an additional clerk on Rs.30/- will have to be considered in this connection.

I have the honour to be,
Sir,
Your most obedient servant,

W. A. Nanjappa

District Magistrate,
Bangalore District.

Ds

17

Statement showing the number of Cases filed, and disposed of and pending under Chapters VIII to XII of Criminal procedure Code in the Several Courts of the Bangalore District from January 19 to June 1920.

Serial No.	Name of Courts	Chapter VIII of C.P.C.			Chapter IX and X of C.P.C.			Chapter XI of C.P.C.			Chapter XII of C.P.C.			Total			Remarks
		Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending	Filed	Disposed	Pending	
		Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	Cases	cases.	
1	City Magistrate, Bangalore	8	8	.	.	.	.	1	1	.	19	18	1	28	27	1	No Cases were
2	Special 1st class Magistrate — Do —	14	5	9	4	3	1	7	3	4	6	6	.	31	17	14	instituted in the
3	Special 2nd class Magistrate — Do —	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	Courts of the Amildar
4	— Do — Closepet	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	and Deputy Amildar
5	Assistant Commissioner and 1st class Magistrate Closepet Sub-Division	1	.	1							6	1	5	7	1	6	Magistrates during
6	Do — Doddaballapur Sub-Division	.	.	.	—	—	—	—	—	—	5	.	5	5	.	5	the period.
		23	13	10	4	3	1	8	4	4	36	25	11	71	45	26	

M. A. Narasimhan
District Magistrate
Bangalore District

28.9.20.

18

D2Dr No 242 / J2021 2 11/20

Office of the District Magistrate,
Mysore District,
Mysore, Dated 26th October 1920. 9585

From

P.F.Bowring, Esquire, J.P.,
District Magistrate,
Mysore.

To

C.S.Balasundaram Iyear, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

With reference to your letter No.G.5715-18/ Courts 41-20-1 dated the 11th September 1920, in regard to the overlapping of magisterial functions between the Special and Ex-Officio Magistrates under the Separation Scheme, I have the honor to state that there have been no instances of this kind so far as this District is concerned. It is no doubt very necessary that all the Assistant Commissioners, Amildars and Deputy Amildars should continue to exercise powers which are executive in their nature, Vide Chapters VIII to XII of the Criminal Procedure Code. It would perhaps be desirable to lay down definitely that the Ex-Officio Magistrates should alone exercise these powers within their jurisdiction so that the Special Magistrates may be relieved to a certain extent in their work. The District Magistrate has always the discretion to withdraw any case he considers necessary, and refer it to the Court of the Special Magistrates.

I have the honor to be,
Sir,
Your most obedient servant,

For District Magistrate,
Mysore District.

23225

1920

From The District Magistrate Gurgaon

To The Chief Secretary to the Government of Mysore Bangalore.

Dated 26 Oct. 1920

Despatched 2 Nov

Received 4 NOV 1920

General No. A 2 Dis No 242/20-2

No.

Enclosure No. Nil

Replying about the amalgamating magisterial powers and separating the administration of the Separation Scheme

PROTECTION BRANCH. 5 NOV 1920

13633

19.

Office of the District Magistrate,
Kadur District.

Chikmagalur, Dated 20th December 1920.

K. MYLAR RAO, Esq., B.A., B.L.,
DISTRICT MAGISTRATE,
KADUR DISTRICT.

To

C.S. BALASUNDARAM IYER, Esq., B.A.,
CHIEF SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
BANGALORE.

SIR,

With reference to your letter No.G.5715-8/Cts. 41-20 dated the 11th September 1920, enquiring whether there is any overlapping of criminal work between the ~~and~~ ex-officio Magistrates and if so, to what extent, and further asking for proposals to improve matters, I have the honor to state that there is a certain amount of overlapping in the work of the two classes of Magistrates, and cases falling under Chapters VIII to XII are taken up by the Special Magistrate instead of by the Ex-officio Magistrate. The enclosed statement shews that the Special First Grade Magistrate dealt with 18 cases of this nature, while the Ex-officio 1st Class Magistrate, Chikmagalur Sub Division, tried only one, the Tarikere Ex-officio 1st Class Magistrate not having taken up any.

2. Functions of an Executive nature are exercisable by Magistrates not only under the provisions of the Criminal Procedure Code but also those of the Police Regulation. The provisions of the Code and the Regulation are briefly referred to below and suggestions made with a view to define clearly the work to be taken up by the

twp

42-00 1920

From

The District Magistrate,

Kadur District.

To

The Chief Secretary to

the Government of His Highness

the Maharaja of Mysore,

BANGALORE.

Dated 20th } December 1920.
Despatched 22nd }

Received 23 DEC 1920

General No. D2. Dis: 48 / 20-21

No.

Enclosure No. one Statement.

SUBJECT

Submits report re - the overlapping of Magisterial functions between the Special and Ex-Officio Magistrates under the Separation Scheme.

two classes of Magistrates.

3. Chapter VIII Criminal Procedure Code relates to the taking of security for keeping the ~~place~~ peace or for good behaviour. The provisions thereof which relate to the matter under consideration are those contained in sections 107 to 110 Under sections 107 and 109, a 1st Class Magistrate can take th needful action only if he is specially empowered to do so. Chapter IX Criminal Procedure Code relates tb unlawful assemblies and under section 127 thereof, any Magistrate can command an unlawful assembly to disperse and under section 129 the Magistrate of the highest rank who is present may cause it to be dispersed by Military force. Chapter X relates to public nuisance and contains two provisions which need be considered Viz., Sections 133 and 143. Under the former, a 1st Class Magistrate specially empowered may pass a conditional order for removal of nuisance and under section 143 any Magistrate specially empowered may prohibit the repetition or continuance of a public nuisance. Chapter XI relates to temporary orders in urgent cases of nuisance or apprehended danger and under section 144 thereof, any Magistrate specially empowered may issue an order absolute in such cases. Chapter XII relates to disputes about immoveable properties and section 145 thereof empowers a Magistrate of the 1st Class to take the needful action in case of such dispute. It will be seen from the above summary that action under sections 108, 110 and 133 can be taken only by a First Class Magistrate who is specially empowered to do so and similarly action under sections 143 and 144, by a Magistrate, not necessarily of the 1st class, who is also specially empowered. In Government Order No.J.4550-4600/Cts.312-12-1 dated 10th May 1918, -- sanctioning the Scheme for the separation of Judicial and Executive functions, it is said that Assistant Commissioners Amildars and Deputy Amildars will continue to be Magistrates ex-officio. Government Notification No.G.14638/Cts.137-19-5 dated 23rd December 1919 confers on the Assistant Commissioners in charge of the Tarikere and Chikmagalur Sub Divisions

and the District Treasury the ordinary powers of a Magistrate of the 1st class and Government Notification No.G.14642/Cts. 137-19-6 dated 23rd December 1919 confers on the Amildars and the Deputy Amildars the ordinary powers of a Magistrate of the 2nd class. None of the ex-officio Magistrates, neither -- Assistant Commissioners nor Amildars and Deputy Amildars, have been invested with any of the additional powers with which they should be specially invested to take action under section 108 and other sections referred to above, while the Special Magistrates both 1st and 2nd Class have by Government Notifications Nos.C.14626/Cts.137-19-2 dated and G.14630/Cts.137-19-3 dated 23rd December 1919 been invested with all the additional powers specified in the 4th Schedule of the Criminal Procedure Code with which such Magistrates may be invested. The Ex-officio Magistrates both Assistant Commissioners and Amildars and Deputy Amildars, may, as in the case of the Special Magistrates, be invested under section 37 Criminal Procedure Code with the necessary additional powers to enable them to take action under the sections referred to above.

4. A notification by the Government or a memo by the District Magistrate may also issue under section 12 Criminal Procedure Code stating that cases arising under chapters VIII and XII and chapter X section 133 Criminal Procedure Code within the local areas subject to their revenue jurisdiction shall be enquired into by the ex-officio Assistant Commissioner -- Magistrates and those similarly arising under chapter X section 143 and Chapter XI, by the Amildars and Deputy Amildars. In Tarikere and Chikmagalur, which are the Head Quarters of the Sub Division Officers, they may in the alternative be given jurisdiction over the respective taluks instead of the Amildars as regards cases falling under chapter XI, but I would prefer the Amildars exercising jurisdiction, in respect of such cases.

5. Chapter IX relates to unlawful assemblies and it is unnecessary to define which of the two classes of Magistrates shall exercise in any area the power to disperse such an assembly.

assembly. The Special Magistrates are stationary and the ex-officio Magistrates who tour about will generally take the needful action in such cases.

6. As regards the Police Regulation, persons offending against the provisions thereof will of course be tried by the Special Magistrates. The taking of preventive action under the provisions contained in chapter IV comes more within the scope of the functions of the ex-officio Magistrates than of the special magistrates, but in Chikmagalur and Tarikere where the Special Magistrates are located, they may in preference ~~xxx~~ to the ex-officio Magistrates, issue licenses for the conduct of processions in those towns.

7. A clear indication of the work of the several classes of Magistrates on the lines suggested above will, it is believed, go to a great extent towards preventing the overlapping of the functions of the Ex-officio and Special Magistrates.

I have the honour to be,

Sir,

Your most obedient servant,

K Srinivasa Rao

DISTRICT MAGISTRATE,
Kadur District.

D.S.R.

Statement showing criminal work done in the several Courts in the Kadur District since January 1920 to the end of August 1920 after the introduction of the separation of Judicial and Executive functions.

No.	Name of Court.	Sections and chapter of Criminal Procedure code applicable. Chapter.	Section.	No of cases entertained.	NO.of cases disposed of	No.of cases pending.	Remarks as to nature and circumstances of the proceedings in brief.
1.	Special 1st Grade Magistrate's Court, Chikmagalur.	VII	107 , 109	2	2	-	(1) Security for keeping peace. (2) Accused were unable to give satisfactory account of themselves.
		X	133	1	1	-	Removal of nuisance by filling up a pit excavated near a public pathway.
		XI	144	3	3	-	Interference with the enjoyment of properties holding meetings &c., and liklihood of breach of peace.
		XII	145	12	7	5	Disputes regarding possession of lands. Two of these pending cases have been disposed of on 6th September 1920.
2.	Assistant Commissioner and 1st Class Magistrate, Chikmagalur.	VIII	107	1	1	-	
3.	-do- Tarikere.	-	-	-	-	-	
4.	2nd Grade Magistrate, Tarikere.	-	-	-	-	-	
5.	Amildar Magistrate, Chikmagalur.	-	-	-	-	-	
6.	" " Kadur.	-	-	-	-	-	
7.	" " Tarikere.	-	-	-	-	-	
8.	" " Mudigere.	-	-	-	-	-	
9.	" " Koppa.	-	-	-	-	-	
10	Dy" " Narasimharajapur	-	-	-	-	-	
	Total.			19	14	5	

Chikmagalur,
20th December 1920.

D.S.R.

K Gangadhara Rao
DISTRICT MAGISTRATE.
KADUR DISTRICT.

17485

'fice of the District Magistrate,
Shimoga District.
Dated Shimoga, 12th February 1921.

No.D.2.Dis.203/Judl.20-21.

From

S. Hiriannaiya, Esquire, M.A.,B.L.,
District Magistrate,
Shimoga District.

To

K. Matthan, Esquire, B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

With reference to your letter No:G.5715-8.Cts.41-20-1 dated 11th September 1920, I have the honour to state that at present there is no overlapping of judicial functions between the Ex-officio Magistrate and the Special Magistrates in this district. All functions which though magisterial are either of an executive or non-judicial character have been assigned to the former class of magistrates while the Special Magistrates deal purely with judicial work involving ordinarily punitive action.

2. The Ex-officio Magistrates have been vested with the following powers:--

(1) Power to make orders prohibiting repetition of nuisances, Section. 143 Cr.P.C.

(2) Power to make orders under Sec. 144. Cr.P.C.

(3) Power to dispose of cases of disputes as to immoveable property under Sec.145.Cr.P.C.

(4) Do., disputes concerning easements etc., under Sec. 147 Cr. P.C.

(5) Power to hold inquests Section. 174 Cr.P.C.

(6) Power of inspection under the Explosive Regulation.

3. The Executive Magistrates have not been invested with powers under

1920-21.

From

The District Magistrate,

Shimoga District.

To

The Chief Secretary to Government,

B a n g a l o r e.

Dated 12th February 1921.

Despatched.

No.D.2.Dis.203/Judl.20-21.

Enclosure.

= = = = = = = = = = = = = = = == = = ==

States that at present there is nc overlapping of judicial functions between the Ex-officio Magistrates and the Special Magistrates in the District.

::::::::::::

under Section.107, and 108, of the Cr.P.C. as though they are of a preventive nature, they involve the infliction of serious punishment and are therefore properly exercisable by the Special Magistrates

I have the honour to be,

Sir,

Your most obedient servant,

District Magistrate,

S h i m o g a .

K.S.

G. P. S. VI—G/32]

10 Copies

SUBJECT.....

.....

.....

Diary No. of letter replied to 17485

Section C5
File No. 64-20
Serial No 6

General and Revenue Secretariat
( )
, the 191 .

No. J. 1156-75

Date of issue 27.8.1971.

Signed by Asst. S.C.G.

Official Memorandum.

It has come to the notice in respect of
of Govt that cases falling under
Chapters VIII to XII of the Criminal
Procedure Code, the cases of
are reverted to the Special
Magistrates appointed under
the scheme for the separation of judicial
and executive functions, ~~after the Courts~~
~~reopen, the trial of cases therein~~
~~which the transfer of other work,~~
~~this file~~
Govt directs that such cases should
be transfered from the file of the Special
Magistrates to that of the Assistant Com-
missioners

May this be treated as
1) a standing order — yes
2) Placed at the disposal of the press
3) May this be printed — yes Secy.

are more largely resorted to much to the detriment of pure judicial work ~~involving~~ ~~passive action~~,

Commissioner / Magistrates who are expected to ~~Constitute the Magistrates and~~ exercise magisterial functions which can and ~~really~~ executive in their nature.

2. The I. G. of Police and the District Magistrates of Districts are requested to give instructions to the Police authorities to file their reports in such cases before the Assistant Commissioner Magistrates only.

15.6.21

Riv Ley

Do
The I.G. of Police
The Dt magistrate — B'lore
Do — Mysore
Do — Kadur
Do — Shimoga

Copy to Registrar Establishment with a C.L.

List of enclosures.

Copied by

Examined by

S. O.

No. J. 1156-75 / Cts. 41-20-6

GOVT. OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT.
Dated Bangalore, 27th August 1921.

OFFICIAL MEMORANDUM.

Exercise of preventive powers by the *Ex-officio* Assistant Commissioner Magistrates.

Issues orders regarding the——

It has come to the notice of Government that in respect of cases falling under Chapters VIII to XII of the Criminal Procedure Code, the Courts of the Special Magistrates appointed under the scheme for the separation of judicial and executive functions are more largely resorted to, much to the detriment of purely judicial work. Government therefore direct that such cases should be transferred from the file of the Special Magistrates to that of the *ex-officio* Assistant Commissioner Magistrates who are expected to exercise Magisterial functions which are executive in their nature.

2. The Inspector-General of Police and the District Magistrates of Districts are requested to give instructions to the Police authorities to file their reports in such cases before the Assistant Commissioner Magistrates only.

By Order,
C Abdul Khan
Secy. to Govt., Rev. Dept.

To—The Inspector-General of Police in Mysore.
The District Magistrate, Mysore.
The District Magistrate, Bangalore.
The District Magistrate, Kadur.
The District Magistrate, Shimoga.
The Registrar, Chief Court of Mysore.
The District Magistrates of other Districts.

Exd.—C. L.

W.D 559—GPB—26-9-21—380